

REMARKS

This Response is submitted in reply to the Office Action dated July 10, 2008 in conjunction with the enclosed Request for Continued Examination. Claim 18 has been amended solely to correct a typographical error. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

Claim Rejections – 35 U.S.C. § 103

The Office Action rejected:

- (a) Claims 1-3, 7-13, 16, 17, 19, 20-24, 26-32, 35, 36, 37, 47, 48 and 51-54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,210,997 to Hughs-Baird et al. (“Hughs-Baird”) in view of U.S. Patent No. 5,833,537 to Barrie (“Barrie”);
- (b) Claims 34 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Hughs-Baird in view of Barrie in further view of U.S. Patent No. 6,692,355 to Baerlocher (“Baerlocher”);
- (c) Claims 14, 15 and 33 under 35 U.S.C. 103(a) as being unpatentable over Hughs-Baird in view of U.S. Patent No. 6,634,945 to Glavich (“Glavich”);
- (d) Claims 5, 6, 24, 25, 38, 39, 40, 42, 43, 44, 45, 46 and 49 under 35 U.S.C. § 103(a) as being unpatentable over Hughs-Baird in view of Barrie in further view of U.S. Patent No. 7,235,011 to Randall et al. (“Randall”); and
- (e) Claim 41 under 35 U.S.C. § 103(a) as being unpatentable over Hughs-Baird in further view of Barrie in further view of Randall in further view of Baerlocher.

Disqualification of Hughs-Baird

Applicant has elected, without prejudice, to disqualify Hughs-Baird from being used in such rejection in accordance with 35 U.S.C. §103(c). 35 U.S.C. §103(c) sets forth the following:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicant is entitled to disqualify Hughs-Baird under 35 U.S.C. §103(c) for the following reasons:

- (a) The claimed subject matter of this U.S. Patent Application Serial No. 10/539,848 ("Subject Application") was developed by inventors Michael J. Miles, Dov L. Randall and Peter Gerrard, and the subject matter of Hughs-Baird was developed by another person, specifically, inventors Andrea C. Hughs-Baird, James M. Gray, Michael S. Hoy, Joseph E. Kaminkow and Daniel J. Waller.
- (b) Hughs-Baird qualifies as prior art only under 35 U.S.C. §102(e), and it does not meet the requirements of 35 U.S.C. §102(a). The Subject Application claims the benefit of: United Kingdom Patent Application No. 0229635.8 filed on December 20, 2002; United Kingdom Patent Application No. 0229968.3 filed on December 21, 2002; United Kingdom Patent Application No. 0316463.9 filed on July 15, 2003; and U.S. Provisional Patent Application No. 60/501,165 filed on September 8, 2003. United Kingdom Patent Application No. 0229968.3, filed on December 21, 2002, supports the claimed subject matter of the claims. For example, see Page 8, Lines 11 to 22, Page 9, Lines 15 to 23 and Fig. 3 of such United Kingdom Patent Application. Therefore, the invention date, for purposes of 35 U.S.C. 102(a), is at least as early as December 21, 2002.

Hughs-Baird published on April 3, 2003. Therefore, Hughs-Baird does not qualify as prior art under 35 U.S.C. §102(a).

(c) As of December 21, 2002, the subject matter of Hughs-Baird and the claimed invention of the Subject Application were owned by the same person, or subject to an obligation of assignment to the same person, for the following reasons:

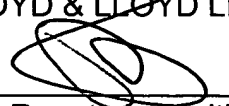
- (i) Hughs-Baird was owned by or subject to an obligation of assignment to IGT as of such date.
- (ii) The Subject Application was owned by or subject to an obligation of assignment to IGT-UK Limited as of such date.
- (iii) IGT was a wholly owned subsidiary of International Game Technology as of such date.
- (iv) IGT-UK Limited was a wholly owned subsidiary of International Game Technology as of such date.

Accordingly, Applicant submits that Hughs-Baird is disqualified as prior art pursuant to §103(c). All of the rejections of the claims rely upon Hughs-Baird. With Hughs-Baird being disqualified, the art cited by the Office Action does not separately or collectively disclose the claimed subject matter of the claims. For the foregoing reasons, Applicant submits that all of the claims are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,
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BY: _____


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